



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

**North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for July 11, 2007**

A meeting of the Environmental Planning and Policy Committee (EPPC) was held July 11, 2007 at 8:30 AM in the Board Room (Room 150) of the Transportation Building. Board Member Nina Szlosberg chaired the meeting. Other Board of Transportation members that attended were:

Tom Betts	Marion Cowell	Andrew Perkins
Larry Helms	Arnold Lakey	Nancy Dunn
Bob Collier	Alan Thornburg	

Other attendees included:

Julie Hunkins	Bill Laxton	Pat Ivey
Kathleen Stahl	Bill Ross	Barry Moose
Bill Rosser	Sarah Dombrose	Marshall Dobson
Ricky Greene	Jerry Jennings	Bill Gilmore
Wally Bowman	Ehren Meister	Phil Harris
Rob Hanson	Dan Thomas	Marcus Wilner
Anne Tazewell	Daniel Keer	Jennifer Garifo
Delbert Roddenberry	Don Voelker	Don Lee
Greg Thorpe	Amy Simes	Shannon Lasater
Tim Johnson	Berry Jenkins	Norman Holden
Larry Goode	John Nance	Mike Pettyjohn
Donna Dancausse	Robin Maycock Little	Greg Burns

Ms. Szlosberg called the meeting to order at 8:30 AM. She opened by accepting a motion to approve the meeting minutes from the June 6, 2007 committee meeting. The minutes were approved as presented.

Nina Szlosberg introduced the first agenda item, NCDENR-NCDOT Partnerships. She started by giving a brief introduction of Bill Ross, Secretary of the NC Department of Environment and Natural Resources (DENR).

She noted that Secretary Ross has been a great member of the Governor's team, which has faced many challenges over the past six years. He has been a big part of the responsibility to come up with innovative solutions to secure the transportation needs of our state, while protecting our very

important natural and human environments, so that the desire to live here and maintain our quality of life would continue. For a number of years he had Chief Deputy Secretary Dempsey Benton on his team, who retired from DENR in January. Mr. Benton, who continues to serve in state government, was not easy to replace. Ms. Szlosberg commented that Secretary Ross stepped up and was able to secure Bill Laxton to replace him. She then turned the podium over to Secretary Ross to introduce the new Chief Deputy Secretary, Bill Laxton.

Secretary Ross began his introduction of Mr. Laxton by talking about where the DOT and DENR have been over the past 6 years, where it seems we're heading in the next few years, and how Mr. Laxton fits into getting us there.

Secretary Ross commented that when he and Secretary Tippet had their first conversation with Governor Easley at the beginning of his administration, the Governor told them that he wanted to see the DOT and DENR working better together than they ever have. Everyone took that to heart, and one of the innovations that arose out of that discussion was the Ecosystem Enhancement Program (EEP) in 2003.

Secretary Ross said that coming up with the EEP was a problem nationwide because standing up a completely different innovative approach to mitigation was no small task. However, with the help of the U.S. Army Corp of Engineers (USACE), and a number of other partners, it has been a success. Secretary Ross noted that in 2005, just 2 years after the EEP was put into place, he and Secretary Tippet reported to Governor Easley that since the EEP began there was not a single permit or transportation improvement project that had been delayed on account of mitigation. Despite plenty of challenges, it was wonderful that in just two years the one thing that was causing the most delay and expense in environmental permitting of highway projects (mitigation) was no longer doing causing the excessive costs and delays. Secretary Ross also noted that currently, two years later, the same thing holds true, not a single transportation improvement project has been delayed on account of mitigation. In addition to this great accomplishment, this year the EEP was one of fifty programs nationwide that was recognized as a top innovation in government by the Kennedy School of Government.

To illustrate where the DOT and DENR are in their relationship together, Secretary Ross read the closing line from Robert Frost's poem, "Stopping by Woods on a Snowy Evening." The verse reads, "these woods are lovely, dark, and deep, but I have promises to keep and miles to go before I sleep, and miles to go before I sleep." He reminded everyone that in the process of making the EEP succeed a number of challenges and issues will be worked on and resolved. One current issue that he and Secretary Tippet will focus on in the next few months will be purchased assets. Secretary Ross commented that they are committed to working with the Colonel of the USACE, and a variety of other agencies, to have this issue resolved in a sensible, practical and cost-effective way.

Secretary Ross said that in terms of where both departments must go, it's not only resolving problems, but having a vision of making North Carolina a better place. An example of the departments working together for North Carolina is a group called the Interagency Leadership Team (ILT), which is comprised of senior leadership from DOT, DENR, USACE, and many other state and federal agencies.

Secretary Ross went further to discuss the focus of the ILT. In general, the ILT has developed three comprehensive recommendation (goals) to move forward on. First, the agencies involved need an enhanced, comprehensive, GIS mapping system that lets users view the transportation, mobility, environment, cultural resources, and local government data layers in one place. Secondly, agencies involved need to take the various planning processes that go unnoticed too frequently and find a way to coordinate, integrate, and focus those at the very earliest planning stages. He commented that this must be done so that agencies don't get too far into a project (whether it's a transportation, environmental or some other project) and realize that there are conflicts among the various missions and resources that we are assigned by statute, the governor, or the legislature to implement. Finally, the agencies involved need to continue to improve the Merger 01 Process. The Merger 01 Process is the environmental review process known as the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA). Secretary Ross commented that the ILT must continue to find ways to improve mutual goals, including the EEP, so that it works more quickly, effectively and in support of the various missions we have.

Secretary Ross commented that he believes Bill Laxton can not only help us solve problems, such as purchased assets, but also make headway on the three ILT goals. Secretary Ross elaborated on Mr. Laxton's career. He noted that Mr. Laxton has come to DENR after a thirty year career in the Federal Government. He's a native of Wisconsin and educated in the Washington area. Most recently, for fifteen years, he was the Director of Administration and Resource Management at the Environmental Protection Agency's (EPA) facility in the Research Triangle Park. Secretary Ross commented that he believes Mr. Laxton is a great successor to Dempsey Benton because he has a particular expertise and ability in areas that are important to us, such as budget, operations and human resources. He is a man who knows how to move government agencies to accomplish the objectives that are set for them and that they set for themselves.

Secretary Ross noted that a great example of Mr. Laxton's work with budgets, operations, and human resources was when he was given the assignment at the Research Triangle Park of leading EPA's efforts to construct a new "green" facility that was going to cost over \$270 million and house 1,200 employees. He successfully oversaw the obtaining of the funding, the design, the construction, the movement of all those EPA employees into the facilities, and the successful managing of it thereafter. One of the great successes that Mr. Laxton accomplished was leading the development of a facility that was energy efficient and done with "green design," and all at the same cost that was estimated had it been built with a traditional construction approach.

Secretary Ross commented that before Mr. Laxton worked on the aforementioned EPA facility, he oversaw the work of 100 engineers and scientists in EPA's National Office of Air Quality, Planning, and Standards in the Research Triangle Park. When this group first heard that Mr. Laxton, a man with a degree in philosophy and a background in human resources, was coming to oversee their modeling, monitoring, and computer projections, they were a little under impressed. However, from talking to a representative sample of those people, Secretary Ross noted that he had learned that they came to admire and respect Mr. Laxton's ability as a manager, a leader, and an expert in the area of budget, operations, and human resources.

Before introducing Mr. Laxton, Secretary Ross closed by saying he looks forward to continuing to work with DOT on the EEP, on problems such as solving the purchased assets issue, and on trying to figure out how together we will work to accomplish our respective missions.

Bill Laxton was introduced to the committee and began by telling about his first dealings with transportation issues back in 1979. He was the sixth person hired at the Office of the Federal Inspector for the Alaskan Natural Gas Transportation Systems. This was an agency that President Carter started in 1979 because the oil pipeline that went across Alaska was having so many problems with environmental permitting and other issues. This federal agency, originally initiated by Exxon, Arco, and Sohio, was tasked to build the pipeline in a coordinated manner. To the surprise of many federal agencies involved, President Carter (by Executive Order) created this new agency and transferred all the functions from other agencies such as the USDOT, Department of Interior, Department of Energy, IRS, etc., to this new agency. Despite these agencies indifference about this new agency coming into existence they started hiring people in Alaska, including a DOT representative. At its start, Mr. Laxton served as the Director of Personnel and Management.

Mr. Laxton noted that the energy crisis in 1979 gave rise to the idea to build a \$40 billion gas pipeline, however by 1981 and 1982 such an idea wasn't quite the economically feasible thing to do, so the agency was shut down. Through working with this agency, Mr. Laxton was able to be a part of not only starting a federal agency, but shutting one down as well. Although the agency was short lived, he still spent a tremendous amount of time in partnership with the Federal and State DOT in trying to build this pipeline. This experience was somewhat his beginning in both the construction, and the coordination and partnership business.

Mr. Laxton then went on to explain his reasoning for taking this new position as Chief Deputy Secretary of DENR. After moving to North Carolina in 1984, he fell in love with this state and believed it to be the greatest place to live and work in the nation. He wanted to do what it takes to keep it that way, while improving upon it, and do what he can to help both DENR and other parts of state government make sure that 20 years from now it's still maintaining its reputation. Mr. Laxton commented that he left the job at the EPA because this is a challenge he was unable to turn down.

Mr. Laxton said he simplifies his priorities into three simple words, "get things done." He noted that he will accomplish this through working with many people including Bill Rosser, Greg Thorpe, and Debbie Barbour. Among being one of the leaders in setting up the Interagency Leadership Team, Dempsey Benton left a big role to fill. Mr. Laxton commented that he understands this, and will be attending the first ILT meeting next week. He noted that he wants to not only be a member of the group, but an active member and leader to make sure that the goals Secretary Ross summarized will be accomplished. He went further to explain that he does not have a lot of patience for procrastination, so he sees that he has a key role in not only working with the ILT, but making it much more effective in reaching their objectives. Mr. Laxton acknowledged Mr. Benton as being very instrumental in working with EEP and said that he, along with Bill Rosser, Greg Thorpe, and Debbie Barber, have committed with Bill Gilmore and his staff to resolve the purchased asset issue very quickly. He noted that this group will resolve this issue and report back to this committee and to Board of Transportation. Mr. Laxton is convinced this issue will be successfully resolved.

One of the first things Bill Laxton did was to meet with Susan Coward. He and Ms. Coward made a pact that it was important to keep the lines of communication open at that level within the departments, so on a fairly regular basis they are going to meet. They have already met once and discussed the Jordan Lake rules, Bonner Bridge, EEP, overweight vehicles, stormwater ocean outfalls, and Southeast High Speed Rail. They made the agreement to not let bureaucracy come in the way of their communication. He noted that while they may not agree on all issues, they want to be able to talk about where they disagree, come to a consensus, and then present to the deciding authority. Mr. Laxton said that hopefully they will always be in agreement with each other, but if they're not, they want to be open and honest about where and why they disagree so that the pertinent information will be given to make a good decision.

Mr. Laxton noted that he sees his role as trying to make these agreements happen, while being available to assist the EPPC and the Board of Transportation to accomplish its mission. As closing words, Mr. Laxton restated that he plans to work very hard in partnership and coordination, and to "get things done."

Ms. Szlosberg asked whether there were any questions. Seeing none, she introduced the next agenda item.

Ms. Szlosberg commented that a few years ago the department went through a rule making process for State Minimum Criteria, and as a part of that rule-making process made a decision that the DOT was going to be completely transparent about the implementation of these rules. Since then, she noted that on a regular basis the committee has been receiving reports on how the department has been applying the State Minimum Criteria. Part of that transparency pledge was for DOT to take that information and not only deliver it in a written form, but also to eventually get it online so that all our partners, or anyone else, may see how these rules are being implemented.

After a brief introduction, Mr. Szlosberg turned the podium over to Daniel Keel, Division of Highways – Operations Program Manager and Robin Little, Environmental Roadside Engineer, Roadside Environmental Unit – NCDOT, to share with us where DOT is in that process and to report the departments latest State Minimum Criteria data.

Mr. Keel began by making reference to the 1st and 2nd quarters of the State Minimum Criteria, while noting to everyone that they are still in the process of getting the information on the 2nd quarter complete. He said that though the 2nd quarter is incomplete, they decided they would go ahead and report it now and then catch up with a full report at the end of the year. The three main objectives that the committee asked for a report on include:

- Criteria # 8 – which refers to highway modernization
- Criteria #12 – which refers to maintenance and repair of state highways
- Criteria #15 – which refers to the construction of new two lane projects that are less than 25 cumulative acres

Criteria #8 and #12 make up the "lion's share" of the projects, while criteria #15 is numerically less significant, having no projects for the 1st quarter and only 2 two for the 2nd quarter.

Mr. Keel referenced the handout given prior to the meeting, noting that in the 1st quarter the DOT had 129 projects total. Criteria #12 made up 40% of the projects, which were primarily secondary road construction projects, but also dealt with maintaining unpaved shoulders, grading and stabilizing unpaved roads, cleaning out ditches and culverts, and patching and maintaining bridges. Criteria #8 made up 60% of the projects, which were primarily spot safety improvements. The total length of projects for the 1st quarter was 163 miles. The department had 107 acres of newly disturbed land, and of those 129 projects, there were only two acres of wetlands that were disturbed.

Again referencing to the handout, Mr. Keel noted that in the 2nd quarter the department had 66 projects yet to be reported. Criteria #12 made up 68% of the projects, which were primarily general maintenance projects, while Criteria #8 made up almost 30% of the projects. The total length of projects for the 2nd quarter was 57 miles. The department had 124 acres of disturbed land, and of those 66 projects, there was less than one acre of wetlands that was disturbed through the process. Once more Mr. Keel elaborated that this was incomplete data for the 2nd quarter, and he will be reporting back to the committee with full details at the end of the year when the cumulative report is presented.

Mr. Keel summarized that this year has followed the historical trend that the majority of the department's minimum criteria projects include criteria #12. In 2003 170 projects were reported, in 2004 633 were reported, which was high because of the Moving Ahead Program, in 2005 398 were reported, last year 380 were reported, and so far this year 195 have been reported. The department is just under 400 projects/year according to the fiscal year reporting.

Before Robin Little was introduced, Mr. Keel gave a quick overview of what she was going to talk about. He informed the committee that the web site reporting is still in the development and that there will be more expansion in the future. He mentioned that it's not just a "typical" web site, but it's a dynamic, interactive database that division field offices can enter information into and then have the ability to go back to research that information.

Ms. Little began by commenting on how the web site began as a simple concept and has now become a very complex, interactive database with a lot of security issues. It needs an authorized signature to be able to document and archive that the Minimum Criteria Review has been preformed on all state funded projects.

While showing everyone the web site on the projector, Ms. Little stated how the web site currently looks exactly like the Minimum Criteria paper copy checklist, but allows highway divisions to enter data electronically. She also noted how very similar it looks to the federal program. She noted that it asks all of the same questions about historic properties, permits, wetlands, fill in streams, etc. The online checklist addresses all the basic environmental review issues.

Referring to the web site on the projection screen, Ms. Little noted the basic project information template and the specific questions that are answered electronically by the Lead Engineer and the Division of Environmental Officer (DEO). She commented that because two signatures are needed, it's envisioned that the Lead Engineers will fill out a portion, sign it, and electronically send it to the DEO, who will then enter their part of the information and sign it. Once two signatures are

obtained, it would then be accepted into the database. This was a security feature put in place so that anybody not authorized could not enter or change the data. Ms. Little noted that they wanted to give some flexibility so that it wasn't an encumbrance, but more of a help to the division staff. She also noted that the online template can be printed out to look exactly like the original hard copy checklist. It can then be handled as paper or electronically, or both.

Ms. Little commented that Part C (Compliance of State and Federal Regulations) asks questions pertaining to the various regulatory issues DOT may deal with on any federal or state funded projects. Previously no one had tracked this information, but after accumulating the impacts and information on all these projects, it was found that they are not of major significance. The USACE had originally inquired that they may be interested in this data.

Currently within the online application, Ms. Little is identified as the "Administrative Assistant." Eventually the department wants to keep all data in-house, though a public quest can be made to the divisions to get a report as needed. From a security point of view, it will be safer to keep it internal.

It was also decided to include all of the State Minimum Criteria categories on the web site (not just 8, 12, and 15). Therefore if other people in the department wanted to track impacts from other projects, such as rail projects or any other project, they could use this tool to do so. Currently this has not been completed yet because the current priority is to immediately address categories 8, 12, and 15.

Ms. Szlosberg commented that by keeping the data in-house means the reporting will only be viewed internally. She asked whether the final data would be available for the public to view.

Ms. Little answered by stating that if they request it through the appropriate division, it can be set up, but currently security reasons are keeping the department from reaching that point where the general public can have access.

Ms. Szlosberg acknowledged the progress that the department is making and asked if there were any more questions on the State Minimum Criteria Report. Seeing none she asked if there was any other business that needed to be brought to the committee. Following none, Ms. Szlosberg accepted a motion to adjourn the meeting at 9:06 a.m.

The next meeting for the Environmental Planning and Policy Committee is scheduled for Wednesday, August 1, 2007 at 8:30 a.m. in the Board of Transportation Room (Room 150) of the Transportation Building.

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